

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)
YELLOW CORPORATION, *et al.*,¹) Chapter 11
Debtors.) Case No. 23-11069 (CTG)
) (Jointly Administered)
)

AMENDED ORDER SCHEDULING CERTAIN DATES AND DEADLINES IN NON-SFA MEPP LITIGATION

For the *Debtors' Seventh Omnibus (Substantive) Objection to Proofs of Claim for Withdrawal Liability* [ECF No. 2595] (the "**Objection**"), the Debtors and six of the seven claimants subject to the Objection,² namely, Central Pennsylvania Teamsters Defined Benefit Plan ("**Central PA Teamsters**"); IBT Local 705 ("**Local 705**"); New England Teamsters Pension Plan ("**New England Teamsters**"); Teamsters Joint Council # 83 of Virginia Pension Fund ("**Virginia Teamsters**"); Teamsters Local 710 ("**Local 710**"); and Teamsters Pension Trust Fund of Philadelphia & Vicinity ("**Philadelphia Teamsters**") (collectively, the "**Claimants**" and with the Debtors, the "**Parties**") agree that the following schedule shall amend and supersede the previous schedule governing these disputes between the Parties [ECF No.2961], including all subsequent

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of the Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is: 11500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

² The Debtors note that they and claimant IAM National Pension Fund ("**IAM National**") have agreed to pause discovery and motion practice pending settlement discussions between the parties. The Debtors reserve all rights as to IAM National.

amendments to the schedule [*see* ECF Nos. 3786, 3931, and 4216], (“**Original Schedule**”) with the new dates set forth below, absent further agreement of the Parties or order of the Court.³

1. **Fact and Expert Discovery**

- a. **November 5, 2024** shall be the deadline to complete fact and expert depositions.⁴

2. **Dispositive Motions**⁵

- a. **November 11, 2024** shall be the deadline for either the Debtors or any of the Claimants to file a dispositive motion (although there is no requirement that any party do so).
- b. **November 26, 2024** shall be the deadline to file any response to the dispositive motions.
- c. **December 10, 2024** shall be the deadline for the Debtors or any of the Claimants to file any reply in support of their respective dispositive motions, if any.

³ For the avoidance of doubt, any deadline or other provision of the Original Schedule not otherwise amended herein shall remain in full force and effect for the parties subject thereto.

⁴ The Parties reserve their rights to complete the depositions of Prof. Amit Seru and Mr. William Hrycay after November 5, 2024 should the need for such depositions arise. Prof. Seru and Mr. Hrycay are experts engaged by the Debtors and certain Claimants, respectively, regarding the appropriate discount rate for evaluating the Claimants’ withdrawal liability claims. Similarly, the Parties reserve their rights to seek limited and additional discovery regarding whether and when the Debtors defaulted under 29 U.S.C. § 1399(c)(5).

⁵ To the extent the Debtors or any Claimants seek to file a dispositive motion on the issues raised in the Court’s order granting the motion for reconsideration and setting forth additional questions to be addressed on the issues raised therein regarding acceleration, default, and/or discounting to present value [ECF No. 4771] (the “Reconsideration Order”), such Parties shall follow the briefing schedule set in accordance with the procedures contemplated in the Reconsideration Order. Local 705 previously filed a motion for summary judgment involving some of the legal issues contemplated in the Reconsideration Order [ECF No. 4231], and the parties disagree as to whether the Debtors’ deadline to respond to that motion has expired. Local 705 reserves the right to file an amended motion for summary judgment related to factual issues contained in the motion for summary judgment and Local 705 further reserves the right to file a supplemental memorandum on the legal issues contained in the Reconsideration Order. Both the amended motion for summary judgment, if any, and the supplemental memorandum described above shall be governed by the schedule for further briefing set pursuant to the Reconsideration Order.

d. The Court will hear oral argument on the dispositive motions on **December 16, 2024, at 10:00 a.m. (E.T.).**

3. **Final Pre-Trial Deadlines**

- a. During the **December 16, 2024** omnibus hearing, the Parties will appear to provide the Court with an update on the course of discovery, and that appearance will effectively serve as a final pretrial conference.
- b. **January 7, 2025** shall be the deadline for the Parties to exchange their lists of witnesses who will or may testify at trial.
- c. **January 7, 2025** shall be the deadline for the Parties to exchange lists of exhibits that they may or will offer at trial.
- d. **January 14, 2025** shall be the deadline by which the Parties must submit a proposed joint pretrial order (“JPTO”) per Local Bankruptcy Rule 7016-2(d). In advance of submitting such JPTO, the parties shall meet and confer and attempt to resolve in good faith any disputes to the JPTOs contents.
- e. **Pre-trial Briefing.** The Debtors and each of the Claimants may submit pre-trial briefs (if they elect to do so) on or before **January 14, 2025.**

4. **Trial.** The Court will conduct a trial on the Objection on **January 21-24, 2025**, if trial is necessary. The trial will begin each day at 10:00 a.m. (prevailing Eastern Time). At the final pretrial conference described above the parties will advise the Court of a more specific estimate of the time needed for trial.